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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,943	02/11/2004	Brian Robert McClain	SJO920030045US1	4264
45216	7590	08/07/2006	EXAMINER	
KUNZLER & ASSOCIATES 8 EAST BROADWAY SUITE 600 SALT LAKE CITY, UT 84111			NEWTON, JARED W	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/776,943	Applicant(s) MCCLAIN ET AL.	
	Examiner Jared W. Newton	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-6,8,10,11 and 13-23 is/are pending in the application.
- 4a) Of the above claim(s) 4,6,8 and 13-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,10,11 and 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: April 27, 2006 JWN
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This final rejection is in reply to the remarks filed May 8, 2006, by which claims 2, 3, 7, 9, and 12 were canceled, claims 1, 10, and 11 were amended, and claims 21-23 were added. Claims 4, 6, 8, and 13-20 stand withdrawn as drawn to a non-elected invention or species, as set forth in the Response to Restriction/Election filed November 14, 2005.

### ***Acknowledgement of Interview***

In a telephonic interview on April 27, 2006, the Applicant and the Examiner discussed the claims and the inclusion of the rack into the claims. The Applicant's acknowledgement of the interview submitted with the reply to the Office Action dated February 7, 2006 was received on May 8, 2006.

### ***Drawings***

The drawings were received on May 8, 2006. These drawings are in compliance with the drawing requirements.

### ***Specification***

The Applicant is thanked for the corrections to and clarification of the Specification filed May 8, 2006.

***Claim Rejections - 35 USC § 102***

Claims 1, 5, 10, 11, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,286,794 to Harbin.

In regard to claim 1, Harbin discloses: an apparatus for storing computing devices comprising: an upper support 16 comprising a rigid material, for supporting a monitor (cathode ray tube) 74, forming a planar vertical back with substantially perpendicular edge protrusions along planar vertical back edges; a lower support 26 comprising a rigid material for receiving a keyboard 126 and forming a tray; and a mounting mechanism 18,24,28 that connects the upper support to the lower support and allows the upper support and the lower support to transition between an access position and a vertical storage position, the mounting mechanism mounted to a computer equipment rack 38 such that the vertical storage position is outside of the computer equipment rack and places the upper support and lower support behind a face of the computer equipment rack 38, wherein the face is configured as a virtual vertical plane of the computer equipment rack (see FIG. 1) (see col. 4, ln. 59-63).

In regard to the limitation, "configured to mount equipment with a height that is an integer multiple of 44.45 millimeters" it is noted that the rack 38 is configured to mount equipment, and therefore could inherently mount a piece of equipment having any reasonable dimension, including 44.45 millimeters, or a reasonable multiple thereof. It is further noted that the dimension 44.45 millimeters is equal to one "U", which is a common and well-known dimension used for computer/electrical equipment storage devices. The tray 12 as set forth by Harbin supports a central processing unit (see FIG.

1). Although said unit is not explicitly set forth as having a dimension of 44.45 millimeters, said tray is configured to support a unit having said dimension.

In regard to claim 5, Harbin further discloses said mounting mechanism as configured to slide the upper support and lower support between the access position and the vertical storage position via the engagement between the trolley portion 24 of the mounting mechanism 18,24,28, and the track 46 of said rack 38 (see FIG. 1).

In regard to claims 10 and 11, said access position comprises said lower support 26 and said upper support 16 in non-vertical orientations (see FIG. 1).

In regard to claim 22, said rack 38 comprises a frame member of a rack for mounting computer equipment 58 (see FIG. 1).

### ***Claim Rejections - 35 USC § 103***

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over '794 to Harbin, alone.

In regard to claim 21, Harbin discloses the device as set forth above, and further recites, "Various other embodiments and ramifications are possible within its scope. For example, motorizing the travel of the carriage 24 and/or the dual parallelogram arm assembly 28 would facilitate use by the handicapped" (see col. 8, ln. 35-38). Harbin sets forth the inclusion of means of motorizing the transition of the device between the access position and a vertical storage position, but does not explicitly set forth the details of said motor. The examiner takes official notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to include a

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gearing, switch, power supply, and motor, in order to accomplish said motorization, as is well known in the art.

Claims 1, 5, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,945,412 to Felcman et al., and further in view of US Patent No. 6,783,105 to Oddsen, Jr.

Felcman et al. disclose a component mounting rack 11 for storing components having a dimension corresponding to a U, or 44.45 millimeters (see Abstract), said rack having panel dividers 80, and an internal keyboard and monitor mounting assembly 28 (see FIG. 5). Felcman et al. do not disclose an external mounting assembly. Oddsen, Jr. discloses an adjustable display arm 100 for computer components comprising: an upper support comprising a rigid material for supporting a monitor 102, said upper support 136 comprising arms 140 having a planar vertical back and substantially perpendicular edge protrusions for receiving rod 134; a lower support comprising a rigid material, and receiving a keyboard 104; and a mounting mechanism 101,103 that connects the upper support to the lower support and allows the upper support and the lower support to transition between an access position and a vertical storage position (see FIG. 3).

The Felcman et al. and Oddsen, Jr. references are analogous art because they are from the same field of endeavor—compact component storage. It would have been obvious to one of ordinary skill in the art at the time of the invention to attach the adjustable mounting arm as disclosed by Oddsen, Jr. to the side of the rack 11 as disclosed by Felcman et al. Felcman et al. discloses a component mounting rack

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convenient for internally storing a display and keyboard device; however, the disclosed storing means still requires the use of internal space that could otherwise be used for additional hardware not needed to be accessed intermittently by a user. Oddsen, Jr. sets forth the undesirability of such an arrangement, reciting, "Rather than placing such components directly on a desk or other supporting surface, display arms are used to keep the component elevated from the surface... The devices can save desktop space, but still render an otherwise vacant area occupied with the electronic components" (see col. 1, ln. 19-28). Oddsen, Jr. proceeds to set forth a solution to this problem, reciting, "The present invention is directed to a display arm that can be raised and lowered with minimal exertion while supporting an electronic device. The display arm of the present invention allows computer components and the like, that may be used intermittently, to be sorted at an elevated level while being made accessible at a lower level for ease of use" (see col. 1, ln. 56-62). It follows that it would be desirable and successful to attach the adjustable arm assembly disclosed by Oddsen, Jr. to a panel, column, or any suitable external surface of the rack disclosed by Felcman et al., in order to support the display and keyboard, thereby freeing up internal space within said rack.

### ***Response to Arguments***

The Applicant is thanked for the corrections made in view of the 35 U.S.C. 112 2<sup>nd</sup> Paragraph rejections. The rejections are hereby withdrawn.

Applicant's arguments with respect to claims 1-3, 7, and 9-11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US Patent No. 7,048,242 to Oddsen, Jr.
- US Patent No. 6,796,536 to Sevier, IV
- US Patent No. 6,561,349 to Lee
- US Patent No. 6,279,761 to Niewiadomski et al.
- US Patent No. 5,799,917 to Li
- US Patent No. 5,751,548 to Hall et al.
- US Patent No. 5,177,665 to Frank et al.
- US Patent No. 4,854,538 to Von Schalscha

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of




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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



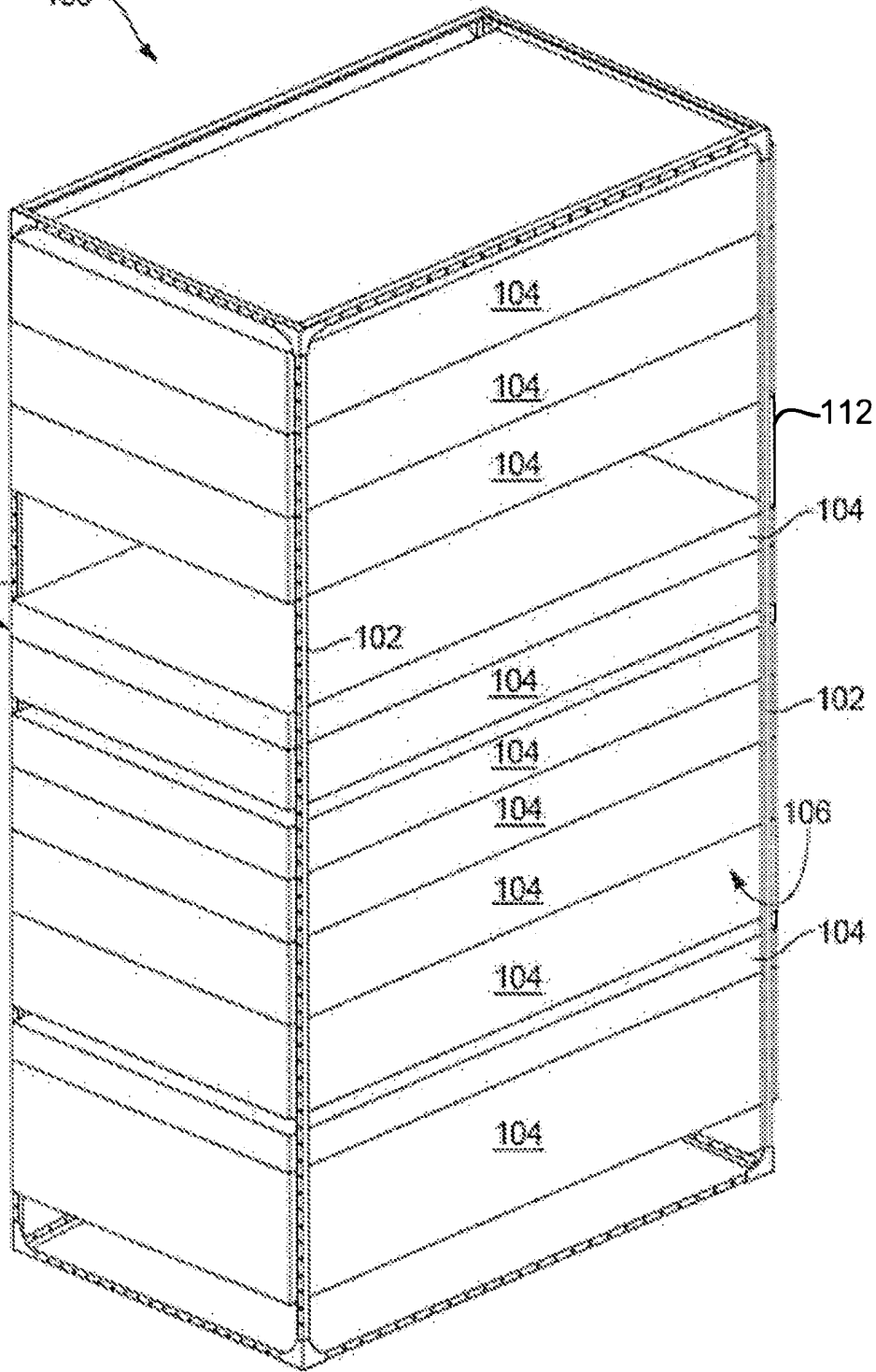
Jared W. Newton  
July 11, 2006  
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**RICHARD E. CHILCOT, JR.**  
**SUPERVISORY PATENT EXAMINER**

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FIG. 1